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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/736,075	12/16/2003	Stephen T. Hayes	4572-0105P	4259

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EXAMINER

ANWARI, MACEEH

ART UNIT	PAPER NUMBER
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2109

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	02/22/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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mailroom@bskb.com

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Office Action Summary

Application No.

10/736,075

Applicant(s)

HAYES ET AL.

Examiner

Maceeh Anwari

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.138(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-48 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-48 is/are rejected.
- 7) ☒ Claim(s) 48, 8, 16, 24, 31, 39, 46, & 37 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This is the initial Office action based on the 10/736075 application filed December 16, 2003. Claims 1-48, as originally filed, are currently pending and have been considered below.

Specification

1. The use of the trademark "Bluetooth" has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Objections

1. Claim 48 is objected to because of the following informalities: 'An' is used to establish a system, where it should be 'A' in order to properly agree with system. Appropriate correction is required.

2. Claims 8, 16, 24, 31, 39 and 46 are objected to because of the following informalities: applicant has stated, "shade", it should be "shades" to properly agree with disclosure. Appropriate correction is required.

3. Claim 37 is objected to because of the following informalities: it is referencing "claim 33" and not "claim 333" Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-48 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. Claims 1, 4, 9, 12, 17, 20, & 32 are vague and indefinite because the limitations "select" and/or "selecting" are unclear. One would not know what differentiates a route to be selected from the routes not selected.

7. Claims 25, 32 and 40, are vague and indefinite because the limitation "determining" is unclear. One would not know what differentiates a command that should be directly utilized from a command that should not be directly utilized.

8. Claims 47 and 48 are vague and indefinite because the proximity encompassed by "predetermined proximity" is unclear and one would not know the desired proximity range.

9. Claims 5, 13, 21, 28, 36, & 43 contain the trademark/trade name Bluetooth. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular

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material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe a mode of receiving or transmitting what is essentially data and, accordingly, the identification/description is indefinite.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-48 are rejected under 35 U.S.C. 102(e) as being anticipated by Wang et al (hereinafter Wang), U.S. Patent No.: 6,961,763.

Wang teaches:

Claim 1:

A method of routing command data through a system including a plurality of smart devices and at least one controlled device, the method including (Figures 2 & 3 & Col. 2, lines 14-53; reads on the limitation of

routing, and the plurality of devices—whether smart or controlled--, the data by stating that the invention provides an architecture for controlling and monitoring the devices and sensors in an intelligent, reliable and robust manner and gives a specific example of a lamp being a controlled device): generating a command to remotely control a controlled device; determining possible routes for transmitting the command by considering the communication capabilities of all devices in the system; selecting a route based upon the determined possible routes; and transmitting the command based upon the selected route (Figure 11 & Col. 11 & 12, lines 60-67 & 1-4 respectively; reads on the limitation of command generation and the transmission thereof by relaying the command to the appropriate application of the automation applications).

Claim 2:

The method of claim 1, wherein the command is transmitted using a plurality of protocols (Figures 1-3; show that the invention as disclosed can be accessed and utilized through a plurality of protocols, namely internet, power line and phone lines).

Claim 3:

The method of claim 2, wherein the protocols are not interdependent (Figures 1-3; depict these protocols as being not interdependent).

Claim 4:

The method of claim 1, wherein transmitting the command includes transmitting the command to a smart device; re-determining possible routes for transmitting the command by considering the communication capabilities of all devices in the system; selecting a route based upon the determined possible routes; and transmitting the command from the smart device based upon the selected route (Figure 11 & Col. 11 & 12, lines 60-67 & 1-4 respectively; reads on the limitation of command generation and the transmission thereof by relaying the command to the appropriate application of the automation applications).

Claim 5:

The method of claim 1 wherein the command is received or transmitted using at least one of wired IP, wireless IP, Bluetooth, serial communication, CEBus, and IRDA protocols (Figures 1-3 & Col. 1, lines 50-51; show that the invention as disclosed can send and receive through internet connection, power line and phone line connections).

Claim 6:

The method of claim 1, wherein the command data includes at least one of Consumer IR, X10, HTTP, and S-Link data (Col. 1, lines 50-54).

Claim 7:

The method of claim 1, wherein one of the plurality of smart devices is a computing device running a CE operating system, a computing device running a Pocket PC operating system, a computing device running a Palm operating system, a computing device running a

Windows operating system, or a computing device running embedded programming systems and capable of communicating using standard protocols (Figure 10-11 & 14, Col. 11-12, lines 60-67 & 1-4 respectively; reads off the limitation that there is a computing device and that it is running off of an embedded programming system and is capable of communicating using standard protocols. Inherently since it is capable of receiving and sending information through the internet it would have to be compatible with, if not already, a windows operating system).

Claim 8:

The method of claim 1, wherein the at least one controlled device is a lighting fixture, home appliance, fan, shade, garage door opener, controller for a heating system, controller for a cooling system, television, digital video disk player, compact disk player, stereo receiver, alarm system, security system, lock system, or sprinkler system (Figures 1-2 & Col. 2, lines 5-8).

Claim 9:

A system for routing command data through a system including a plurality of smart devices and at least one controlled device, the system including (Figures 2 & 3 & Col. 2, lines 14-53; reads on the limitation of routing, and the plurality of devices—whether smart or controlled—, the data by stating that the invention provides an architecture for controlling and monitoring the devices and sensors in an intelligent, reliable and robust manner and gives a specific example of a lamp being a controlled

device): a memory for storing a program (Col. 2, lines 28-33; reads off the limitation of a storing/memory device); and a processor responsive to the program to generate a command to remotely control a controlled device; determine possible routes for transmitting the command by considering the communication capabilities of all devices in the system; select a route based upon the determined possible routes; and transmit the command based upon the selected route (Figure 11 & Col. 11 & 12, lines 60-67 & 1-4 respectively; reads on the limitation of command generation and the transmission thereof by relaying the command to the appropriate application of the automation applications).

Claim 10:

The system of claim 9, wherein the command is transmitted using a plurality of protocols (Figures 1-3; show that the invention as disclosed can be accessed and utilized through a plurality of protocols, namely internet, power line and phone lines).

Claim 11:

The system of claim 10, wherein the protocols are not interdependent (Figures 1-3; depict these protocols as being not interdependent).

Claim 12:

The system of claim 9, wherein the processor is further responsive to the program to transmit the command to a smart device; re-determine possible routes for transmitting the command by considering the

communication capabilities of all devices in the system; select a route based upon the determined possible routes; and transmit the command from the smart device based upon the selected route (Figure 11 & Col. 11 & 12, lines 60-67 & 1-4 respectively; reads on the limitation of command generation and the transmission thereof by relaying the command to the appropriate application of the automation applications).

Claim 13:

The system of claim 9, wherein the command is received or transmitted using at least one of wired IP, wireless IP, Bluetooth, serial communication, CEBus, and IRDA protocols (Figures 1-3 & Col. 1, lines 50-51; show that the invention as disclosed can send and receive through internet connection, power line and phone line connections).

Claim 14:

The system of claim 9, wherein the command data includes at least one of Consumer IR, X10, HTTP, and S-Link data (Col. 1, lines 50-54).

Claim 15:

The system of claim 9, wherein one of the plurality of smart devices is a computing device running a CE operating system, a computing device running a Pocket PC operating system, a computing device running a Palm operating system, a computing device running a Windows operating system, or a computing device running embedded programming systems and capable of communicating using standard protocols (Figure 10-11 & 14, Col. 11-12, lines 60-67 & 1-4 respectively; reads off the limitation that

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there is a computing device and that it is running off of an embedded programming system and is capable of communicating using standard protocols. Inherently since it is capable of receiving and sending information through the internet it would have to be compatible with, if not already, a windows operating system).

Claim 16:

The system of claim 9, wherein the at least one controlled device is a lighting fixture, home appliance, fan, shade, garage door opener, controller for a heating system, controller for a cooling system, television, digital video disk player, compact disk player, stereo receiver, alarm system, security system, lock system, or sprinkler system (Figures 1-2 & Col. 2, lines 5-8).

Claim 17:

A computer-readable medium containing instructions, executed by a processor for performing the method of routing command data through a system including a plurality of smart devices and at least one controlled device (Figures 2 & 3 & Col. 2, lines 14-53; reads on the limitation of routing, and the plurality of devices—whether smart or controlled--, the data by stating that the invention provides an architecture for controlling and monitoring the devices and sensors in an intelligent, reliable and robust manner and gives a specific example of a lamp being a controlled device), the method including: generating a command to remotely control a controlled device (Col. 1, lines 50-54; reads on the limitation of remote

controlling a controlled device); determining possible routes for transmitting the command by considering the communication capabilities of all devices in the system; selecting a route based upon the determined possible routes; and transmitting the command based upon the selected route (Figure 11 & Col. 11 & 12, lines 60-67 & 1-4 respectively; reads on the limitation of command generation and the transmission thereof by relaying the command to the appropriate application of the automation applications).

Claim 18:

The computer-readable medium of claim 17, wherein the command is transmitted using a plurality of protocols (Figures 1-3; show that the invention as disclosed can be accessed and utilized through a plurality of protocols, namely internet, power line and phone lines).

Claim 19:

The computer-readable medium of claim 18, wherein the protocols are not interdependent (Figures 1-3; depict these protocols as being not interdependent).

Claim 20:

The computer-readable medium of claim 17, wherein transmitting the command includes transmitting the command to a smart device; re-determining possible routes for transmitting the command by considering the communication capabilities of all devices in the system; selecting a route based upon the determined possible routes; and transmitting the

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command from the smart device based upon the selected route (Figure 11 & Col. 11 & 12, lines 60-67 & 1-4 respectively; reads on the limitation of command generation and the transmission thereof by relaying the command to the appropriate application of the automation applications).

Claim 21:

The computer-readable medium of claim 17, wherein the command is received or transmitted using at least one of wired IP, wireless IP, Bluetooth, serial communication, CEBus, and IRDA protocols (Figures 1-3 & Col. 1, lines 50-51; show that the invention as disclosed can send and receive through internet connection, power line and phone line connections).

Claim 22:

The computer-readable medium of claim 17, wherein the command data includes at least one of Consumer IR, X10, HTTP, and S-Link data (Col. 1, lines 50-54).

Claim 23:

The computer-readable medium of claim 17, wherein one of the plurality of smart devices is a computing device running a CE operating system, a computing device running a Pocket PC operating system, a computing device running a Palm operating system, a computing device running a Windows operating system, or a computing device running embedded programming systems and capable of communicating using standard protocols (Figure 10-11 & 14, Col. 11-12, lines 60-67 & 1-4

respectively; reads off the limitation that there is a computing device and that it is running off of an embedded programming system and is capable of communicating using standard protocols. Inherently since it is capable of receiving and sending information through the internet it would have to be compatible with, if not already, a windows operating system).

Claim 24:

The computer-readable medium of claim 17, wherein the at least one controlled device is a lighting fixture, home appliance, fan, shade, garage door opener, controller for a heating system, controller for a cooling system, television, digital video disk player, compact disk player, stereo receiver, alarm system, security system, lock system, or sprinkler system (Figures 1-2 & Col. 2, lines 5-8).

Claim 25:

A method for routing command data through a system including a plurality of smart devices and at least one controlled device (Figures 2 & 3 & Col. 2, lines 14-53; reads on the limitation of routing, and the plurality of devices—whether smart or controlled--, the data by stating that the invention provides an architecture for controlling and monitoring the devices and sensors in an intelligent, reliable and robust manner and gives a specific example of a lamp being a controlled device), the method including: receiving a command to remotely control a controlled device (Col. 1, lines 50-54; reads on the limitation of remote controlling a controlled device); determining whether the command should be directly

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utilized by the controlled device; controlling the controlled device when it is determined the command should be directly utilized by the controlled device; and transmitting the command when it is determined the command should not be directly utilized (Figure 11 & Col. 11 & 12, lines 60-67 & 1-4 respectively; reads on the limitation of command generation and the transmission thereof by relaying the command to the appropriate application of the automation applications).

Claim 26:

The method of claim 25, wherein the method further includes: receiving the command using a first protocol; and transmitting the command using a second protocol where the second protocol is different from the first (Figures 1-3 & Col. 2, lines 44-53; show that the invention as disclosed can be accessed and utilized through a plurality of protocols, namely internet, power line and phone lines; it also enumerates the potential for the possibilities of multi-path reception and transmission).

Claim 27:

The method of claim 26, wherein the protocols are not interdependent (Figures 1-3; depict these protocols as being not interdependent).

Claim 28:

The method of claim 25, wherein the command is received or transmitted using at least one of wired IP, wireless IP, Bluetooth, serial communication, CEBus, and IRDA protocols (Figures 1-3 & Col. 1, lines

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50-51; show that the invention as disclosed can send and receive through internet connection, power line and phone line connections).

Claim 29:

The method of claim 25, wherein the command data includes at least one of Consumer IR, X10, HTTP, and S-Link data (Col. 1, lines 50-54).

Claim 30:

The method of claim 25, wherein one of the plurality of smart devices is a computing device running a CE operating system, a computing device running a Pocket PC operating system, a computing device running a Palm operating system, a computing device running a Windows operating system, or a computing device running embedded programming systems and capable of communicating using standard protocols (Figure 10-11 & 14, Col. 11-12, lines 60-67 & 1-4 respectively; reads off the limitation that there is a computing device and that it is running off of an embedded programming system and is capable of communicating using standard protocols. Inherently since it is capable of receiving and sending information through the internet it would have to be compatible with, if not already, a windows operating system).

Claim 31:

The method of claim 25, wherein the at least one controlled device is a lighting fixture, home appliance, fan, shade, garage door opener, controller for a heating system, controller for a cooling system, television,

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digital video disk player, compact disk player, stereo receiver, alarm system, security system, lock system, or sprinkler system (Figures 1-2 & Col. 2, lines 5-8).

Claim 32:

The method of claim 26, wherein transmitting the command includes transmitting the command to a smart device; re-determining possible routes for transmitting the command by considering the communication capabilities of all devices in the system; selecting a route based upon the determined possible routes; and transmitting the command from the smart device based upon the selected route (Figure 11 & Col. 11 & 12, lines 60-67 & 1-4 respectively; reads on the limitation of command generation and the transmission thereof by relaying the command to the appropriate application of the automation applications).

Claim 33:

An apparatus for routing command data through a system including a plurality of smart devices and at least one controlled device (Figures 2 & 3 & Col. 2, lines 14-53; reads on the limitation of routing, and the plurality of devices—whether smart or controlled--, the data by stating that the invention provides an architecture for controlling and monitoring the devices and sensors in an intelligent, reliable and robust manner and gives a specific example of a lamp being a controlled device), the apparatus comprising: a receiver for receiving a command to remotely control a controlled device; a first controller for determining whether the

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command should be directly utilized by the controlled device (Col. 1, lines 50-54; reads on the limitation of remote controlling a controlled device); a second controller for controlling the controlled device when it is determined the command should be directly utilized by the controlled device (Figures 1-6 & Col. 2, lines 44-53; show a multiple number of controller devices); and a transmitter for transmitting the command when it is determined the command should not be directly utilized (Figure 11 & Col. 11 & 12, lines 60-67 & 1-4 respectively; reads on the limitation of command generation and the transmission thereof by relaying the command to the appropriate application of the automation applications).

Claim 34:

The apparatus of claim 33, wherein the receiver receives the command using a first protocol and the transmitter transmits the command using a second protocol where the second protocol is different from the first (Figures 1-3 & Col. 2, lines 44-53; show that the invention as disclosed can be accessed and utilized through a plurality of protocols, namely internet, power line and phone lines; it also enumerates the potential for the possibilities of multi-path reception and transmission).

Claim 35:

The apparatus of 33, wherein the protocols are not interdependent (Figures 1-3; depict these protocols as being not interdependent).

Claim 36:

The apparatus of claim 33, wherein the command is received or transmitted using at least one of wired IP, wireless IP, Bluetooth, serial communication, CEBus, and IRDA protocols (Figures 1-3 & Col. 1, lines 50-51; show that the invention as disclosed can send and receive through internet connection, power line and phone line connections).

Claim 37:

The apparatus of claim 33, wherein the command data includes at least one of Consumer IR, X10, HTTP, and S-Link data (Col. 1, lines 50-54).

Claim 38:

The apparatus of claim 33, wherein one of the plurality of smart devices is a computing device running a CE operating system, a computing device running a Pocket PC operating system, a computing device running a Palm operating system, a computing device running a Windows operating system, or a computing device running embedded programming systems and capable of communicating using standard protocols (Figure 10-11 & 14, Col. 11-12, lines 60-67 & 1-4 respectively; reads off the limitation that there is a computing device and that it is running off of an embedded programming system and is capable of communicating using standard protocols. Inherently since it is capable of receiving and sending information through the internet it would have to be compatible with, if not already, a windows operating system).

Claim 39:

The apparatus of claim 33, wherein the at least one controlled device is a lighting fixture, home appliance, fan, shade, garage door opener, controller for a heating system, controller for a cooling system, television, digital video disk player, compact disk player, stereo receiver, alarm system, security system, lock system, or sprinkler system (Figures 1-2 & Col. 2, lines 5-8).

Claim 40:

A computer-readable medium containing instructions, executed by a processor for performing the method of routing command data through a system including a plurality of smart devices and at least one controlled device (Figures 2 & 3 & Col. 2, lines 14-53; reads on the limitation of routing, and the plurality of devices—whether smart or controlled--, the data by stating that the invention provides an architecture for controlling and monitoring the devices and sensors in an intelligent, reliable and robust manner and gives a specific example of a lamp being a controlled device), the method including: receiving a command to remotely control a controlled device (Col. 1, lines 50-54; reads on the limitation of remote controlling a controlled device); determining whether the command should be directly utilized by the controlled device; controlling the controlled device when it is determined the command should be directly utilized by the controlled device (Col. 2, lines 14-16); and transmitting the command when it is determined the command should not be directly utilized (Figure 11 & Col. 11 & 12, lines 60-67 & 1-4 respectively; reads on the limitation of

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command generation and the transmission thereof by relaying the command to the appropriate application of the automation applications).

Claim 41:

The computer-readable medium of claim 40, wherein the method further includes: receiving the command using a first protocol; and transmitting the command using a second protocol where the second protocol is different from the first (Figures 1-3 & Col. 2, lines 44-53; show that the invention as disclosed can be accessed and utilized through a plurality of protocols, namely internet, power line and phone lines; it also enumerates the potential for the possibilities of multi-path reception and transmission).

Claim 42:

The computer-readable medium of claim 41, wherein the protocols are not interdependent (Figures 1-3; depict these protocols as being not interdependent).

Claim 43:

The computer-readable medium of claim 40, wherein the command is received or transmitted using at least one of wired IP, wireless IP, Bluetooth, serial communication, CEBus, and IRDA protocols (Figures 1-3 & Col. 1, lines 50-51; show that the invention as disclosed can send and receive through internet connection, power line and phone line connections).

Claim 44:

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The computer-readable medium of claim 40, wherein the command data includes at least one of Consumer IR, X10, HTTP, and S-Link data (Col. 1, lines 50-54).

Claim 45:

The computer-readable medium of claim 40, wherein one of the plurality of smart devices is a computing device running a CE operating system, a computing device running a Pocket PC operating system, a computing device running a Palm operating system, a computing device running a Windows operating system, or a computing device running embedded programming systems and capable of communicating using standard protocols (Figure 10-11 & 14, Col. 11-12, lines 60-67 & 1-4 respectively; reads off the limitation that there is a computing device and that it is running off of an embedded programming system and is capable of communicating using standard protocols. Inherently since it is capable of receiving and sending information through the internet it would have to be compatible with, if not already, a windows operating system).

Claim 46:

The computer-readable medium of claim 40, wherein the at least one controlled device is a lighting fixture, home appliance, fan, shade, garage door opener, controller for a heating system, controller for a cooling system, television, digital video disk player, compact disk player, stereo receiver, alarm system, security system, lock system, or sprinkler system (Figures 1-2 & Col. 2, lines 5-8).

Claim 47:

A method for automatically operating controlled devices in a system (Col. 2, lines 5-8), the method including: providing for a portable device and at least one stationary device (Figures 1 & 3, reads on the limitation of a portable device, via mobile phone, and a stationary device, via the home appliances); determining the portable device is within predetermined proximity of the at least one stationary device; controlling the at least one stationary device based upon the determination (Figure 11 & Col. 11 & 12, lines 60-67 & 1-4 respectively; reads on the limitation of predetermined proximity, because it is inherent that the mobile phone will have a limited reception, and command generation and the transmission thereof by relaying the command to the appropriate application of the automation applications).

Claim 48:

[A] system for automatically operating controlled devices in a system (Col. 2, lines 5-8), the apparatus including: a portable device and at least one stationary device; wherein the portable device includes a determining module for determining the portable device is within predetermined proximity of the at least one stationary device (Figures 1 & 3, reads on the limitation of a portable device, via mobile phone, and a stationary device, via the home appliances. It is also inherent that the mobile phone will have a reception limited to a predetermined proximity);

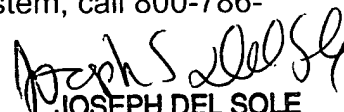
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and a controller for controlling the at least one stationary device based upon the determination (Col. 2, lines 15-17).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maceeh Anwari whose telephone number is 571-272-7591. The examiner can normally be reached on Monday-Friday 7:30-5:00 PM ES.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joe Del Sole can be reached on 571-272-1130. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


JOSEPH DEL SOLE
SUPERVISORY PATENT EXAMINER
2/16/07
